

Attorney Docket No.: LVIP:108US  
U.S. Patent Application No. 10/734,566  
Reply to Office Action of October 27, 2006  
Date: February 23, 2007

### **Remarks**

#### **Amendment to Claims 2-7 and 9**

Applicants have amended Claims 2-7 and 9 under 37 CFR § 41.33 (a). § 41.33 (a) states that an amendment may be filed after the filing of a Notice of Appeal under 37 CFR 41.31 (a) (1) through (a) (3) and prior to filing of an Appeal Brief under 37 CFR § 41.37 as provided in 37 CFR § 1.116. Among other stated reasons, an amendment may be filed to comply with any requirement of form required by a previous action or to present the claims in better form for consideration for an appeal. See MPEP § 1206.

The Office Action of October 27, 2006 objected to Claims 2-7 and 9. That Office Action required that Claims 9, line 1 be amended to change the word “A” to “An”. The same Office Action required that on line 1 of Claims 2-7 the word “apparatus” be changed to “ultramicrotome”. The required changes were made in an Amendment after Final Rejection filed on November 22, 2006 along with an additional amendment to Claim 4. In an Advisory Action dated December 6, 2006, the Examiner denied entry of the amendments stating that the amendment to Claim 4 raised new issues.

Attorney Docket No.: LVIP:108US  
U.S. Patent Application No. 10/734,566  
Reply to Office Action of October 27, 2006  
Date: February 23, 2007

Applicants respectfully submit that the amendment to Claim 4, as well as Claims 2-3, 5-7 and 9 submitted in the instant paper raise no new issues and are made only to fulfill the requirement of the Office Action dated October 27, 2006. The amendments also have the advantage of placing the claims in better form for consideration for an appeal. Applicants respectfully request entry into the record of Claims 2-7 and 9 as amended.

Respectfully yours,



C. Richard Lohrman  
Registration No. 46,878  
Attorney for Applicant  
Simpson & Simpson, PLLC  
5555 Main Street  
Williamsville, NY 14221  
Phone: (716) 626-1564  
Fax: (716) 626-0366

Dated: February 23, 2007